

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 16 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JONATHAN WAYNE BOTTEN; et al.,

Plaintiffs - Appellees,

v.

ISIAIAH KEE and BERNARDO
RUBALCAVA,

Defendants - Appellants,

and

STATE OF CALIFORNIA; et al.,

Defendants.

No. 25-3569

D.C. No.

5:23-cv-00257-KK-SHK

Central District of California,
Riverside

ORDER

The stipulation to dismiss the appeal without prejudice (Docket Entry No. 7) is granted. The appeal is dismissed without prejudice to reinstatement in the event the district court denies plaintiffs-appellees' request to dismiss their claim under 42 U.S.C. section 1983 for violation of their Fourt Amendment rights.

Reinstatement shall be by notice filed by any party in this court and served on the other parties and the Circuit Mediator within 28 days of the district court's denial of plaintiffs-appellees' request for dismissal of their Fourth Amendment claim. If no notice of reinstatement is filed and served, the appeal will be deemed dismissed with prejudice.

A copy of this order shall serve as and for the mandate of this court.

FOR THE COURT:

By: Steven Saltiel
Circuit Mediator